

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules)	CC Docket 94-102
To Ensure Compatibility with Enhanced)	
911 Emergency Calling Systems)	
)	
Quarterly waiver report, U.S. Cellular)	

**COMMENTS OF NENA AND ILLINOIS-NENA,
APCO AND NASNA**

In its initial “Quarterly E911 Implementation Report,” United States Cellular Corporation (“USCC”) refers to Phase II service requests from Public Safety Answering Points (“PSAPs”) in Illinois and Missouri which USCC considered “invalid because neither state has a cost recovery mechanism for the PSAPs to recover the costs of upgrading their systems to receive and utilize phase II information.” (Report, 7) At Exhibit D to the Report, USCC lists 14 Cook County jurisdictions, three Lake County 9-1-1 authorities and five other County units whose Phase II requests have been treated as invalid.

The blanket assertion that Illinois has no cost recovery mechanism “for the PSAPs to recover the costs of upgrading their systems to receive and utilize Phase II information” is inaccurate and/or insufficient and should not be accepted by the FCC. In fact, certain Illinois 9-1-1 authorities have been among the earliest implementers of Phase II. These include not only St. Clair and Bond Counties but portions of two counties listed by USCC: Cook and Peoria. These jurisdictions have been able to secure state funding by treating Phase II as an integral

follow-on to Phase I¹ or to provide for local budgeting of their upgrade expenses through their respective Emergency Telephone System Boards (“ETSBs”).

Whatever differences may exist in the interpretation of Illinois law respecting state reimbursement for wireless E9-1-1 upgrades, the facts speak for themselves. Numerous Illinois jurisdictions and their serving wireless and wire carriers have installed Phase II and many others are in the midst of doing so. Their early adoption of successful location systems has been forecast in specific FCC waiver requirements (*e.g.* Verizon Wireless in St. Clair and Cook Counties in Illinois)² and amply covered in the trade press.

If there are specific reasons for declaring the Illinois Exhibit D requests invalid, USCC should be required to state them. The blanket claim that all of USCC’s Phase II requests from Illinois are invalid is neither correct nor sufficient.³

USCC’s Waiver Request. At page 9 of the Report, USCC seeks a further waiver beyond the seven-month extension granted generally by the FCC to Tier II wireless carriers.⁴ Leaving aside whether the Report is a proper vehicle for requesting the waiver, we suggest that more information is needed before it can be considered.

According to USCC, it has Phase II requests from nine PSAPs in TDMA markets which are not scheduled for CDMA overbuild “until October 2003 at the earliest,” well beyond the Stay Order’s allowance. The carrier aims for a handset solution because it serves “rural areas where a

¹ In some cases, necessary PSAP upgrades are completed under Phase I and little or no additional expense for Phase II is involved.

² Waiver Grant Order, FCC 01-299, released October 12, 2001, ¶24.

³ Only one Missouri county, Stone, is listed at Exhibit D. Here again, the recent failure of Missouri’s referendum on statewide surcharges for 9-1-1 may not be a sufficient answer since, to the best of our knowledge, the City of St. Louis has implemented Phase II (although St. Louis County has not).

⁴ Order to Stay, FCC 02-210, released July 26, 2002.

network solution would be prohibitively expensive.” (Report, 8) We do not claim to be able to evaluate what is prohibitively expensive or “economically feasible” (Report, 9) for USCC.

However, the FCC is aware, as are we, of the contracts signed recently by two network solution providers, Grayson and TruePosition, including several with wireless carriers serving predominantly rural areas.⁵ We suggest that USCC be required to explain further why, for example, a CDMA network solution could not serve as a bridge to a CDMA handset solution in the nine referenced markets. The explanation ought to be presented as a separate waiver request for public comment in place of this passing mention in a quarterly report on an existing waiver.

Respectfully submitted,

NENA, APCO AND NASNA

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Certificate of Service

By e-mail attachment to: Michael Stern and John Seuryneck, USCC, 8410 W. Bryn Mawr, Chicago, Illinois 60631.

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⁵ At <http://www.geometrix911.com/newsrm/index.html>, Grayson posts press releases describing arrangements with Rural Cellular and Centennial, among other wireless providers. TruePosition claims at http://www.trueposition.com/sol_over.html: “TruePosition's technology is capable of locating virtually any mobile phone on the market today, in any environment (indoor, outdoor, suburban, urban, rural) via every major air interface (AMPS, CDMA, GSM, TDMA).” Among TruePosition’s carrier customers is Cingular Wireless, whose service areas include rural territories.